IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

SHEILA MARIE JONES,
Appellant.

No. 2 CA-CR 2015-0017
Filed June 25, 2015

Appeal from the Superior Court in Pinal County
No. S1100CR201202710
The Honorable Joseph R. Georgini, Judge

AFFIRMED

COUNSEL

Lynn T. Hamilton, Mesa
Counsel for Appellant

MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

E C K E R S T R O M, Chief Judge:

¶1 Following a January 2014 jury trial in absentia, appellant Sheila Jones was convicted of burglary, criminal damage, and theft. After her apprehension in July 2014, the trial court imposed enhanced, partially aggravated, concurrent prison sentences, the longest of which was eight years.

¶2 Because Jones absconded before trial and her continued absence "prevent[ed] sentencing from occurring within ninety days after conviction," A.R.S. § 13-4033(C), we have reviewed our jurisdiction to consider her appeal. *See id.* (criminal defendant may not appeal from conviction if absence delayed sentencing ninety days or more). We have held, however, that § 13-4033(C) removes our jurisdiction over a criminal appeal only if a defendant knowingly, voluntarily, and intelligently waived her constitutional right to appeal, and that such a waiver may be inferred "only if the defendant has been informed [s]he could forfeit the right to appeal" by her absence, *State v. Bolding*, 227 Ariz. 82, ¶ 20, 253 P.3d 279, 285 (App. 2011). Because no evidence in this record suggests Jones was so informed, we conclude we have jurisdiction to consider her appeal.

¶3 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has reviewed the record and has found no "arguable issues on appeal." Counsel has asked us to search the record for reversible error. Jones has not filed a supplemental brief.

¶4 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury's finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed Jones had, without permission, cut copper wire worth approximately $10,000 from a generator and machinery located inside a fenced commercial yard, causing more than $1,000 in damage. We further conclude the sentences imposed are within the statutory limit.[1] *See* A.R.S. §§ 13-703(I); 13-1506(A)(1); 13-1602(A)(2); 13-1802(A)(1),(G).

¶5 Pursuant to our obligation under *Anders,* we have searched the record for fundamental, reversible error and have found none. Therefore, Jones's convictions and sentences are affirmed.

[1]We note, however, that although the trial court properly sentenced Jones on her theft conviction as a class three felony, its sentencing minute entry lists that conviction for theft as a class four felony. The minute entry also improperly states Jones was convicted "upon a plea of Guilty," when in fact she was convicted after a jury trial. These clerical errors are ordered corrected. *See State v. Whitney*, 159 Ariz. 476, 487, 768 P.2d 638, 649 (1989) ("Oral pronouncement in open court controls over the minute entry.").